



THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE
OF THE PEOPLE'S REPUBLIC OF CHINA

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Shanghai Patent & Trademark Law Office

Date of Dispatch
May 14, 2004

Application No.: 02103292.0	Applicant: MURATA MANUFACTURING CO., LTD.
Application Date: February 11, 2002	Agent:
Title: NONRECIPROCAL CIRCUIT DEVICE AND COMMUNICATION APPARATUS USING SAME	

NOTICE ON OFFICE ACTION

- ☒ According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.

☐ According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.
- ☒ The applicant has requested that the filling date of
Feb 16, 2001 at the JP Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,
_____ at the _____ Patent Office as the priority date,

☒ The applicant has already submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed.

☐ The applicant has not submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed. It is deemed not having claimed priority according to the provision stipulated in Article 30 of the Patent Law.

☐ This application is a PCT application.
- ☐ The applicant submitted on _____ and _____ the amendment documents:
On examination, among them,
the _____ submitted on _____ can not be accepted.
the _____ submitted on _____ can not be accepted.

Because the above amendment

☐ does not conform with the provisions of Article 33 of the Chinese Patent Law,

☐ does not conform with the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law,

Refer to the text of the Notice for the specific reasons why the amendment cannot be accepted



4. ☐ The examination has been proceeded on the original application documents.

☒ The examination is directed at the following application documents:

Claim 1-20, page 1-10 of the specification, page _____ of the drawing of the original application documents submitted on the date of filing.

Claim _____, page _____ of the specification, page 1-9 of the drawing submitted on April 17, 2002.

Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.

Claim _____, page _____ of the specification, page _____ of the drawing submitted on _____.

Abstract of the specification submitted on Feb 11, 2002, the drawing of the Abstract submitted on April 17, 2002.

5. ☐ This Notice is made under the condition of no search having been conducted.

☒ This Notice is made under the condition of search having been conducted.

☒ This Notice has cited the below comparison documents (the number of which shall continue to be used in the subsequent examination procedures):

No.	Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	US5898346A	April 27, 1999
2	JP2000114818A	April 21, 2000
3		
4		

6. The conclusive opinion drawn from the examination:

☒ **As regards the Specification:**

☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right shall be granted.

☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.

☒ The drafting of the specification does not conform with the provision of Rule 18 of the Implementing Regulations.

☒ **As regards the Claims:**

☐ Claim _____ does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.

☒ Claim 1-7, 13 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.

☐ Claim _____ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.

☐ Claim _____ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.

☐ Claim _____ does not conform with the provision of Item 4, Article 26 of the Patent Law.

☐ Claim _____ does not conform with the provision of Item 1, Article 31 of the Patent Law.

☐ Claim _____ does not conform with the definition of invention as stipulated in Item 1, Article 2 of the Implementing Regulations of the Patent Law.

☐ Claim _____ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.

☒ Claim 15, 19 does not conform with the provisions of Rules 20 of the Implementing Regulations of the Patent Law.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.



7. Based on the above conclusive opinion, the Examiner deems that:

- ☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
- ☒ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
- ☐ There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.

8. The applicant is asked to note the following items:

- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within **four months** from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn
- (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
- (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
- (4) The observations and/or the amended documents shall be mailed or delivered to Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to Department of Receipt.

9. The text portion of this Notice totals 2 page(s), and includes the following attachment(s):

- ☒ duplicate copy(ies) of cited comparison document(s), altogether 2 copy(ies) 2 pages.
- ☐

Examination Department: _____ Examiner(Seal): _____

2201 2001.7

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Notice on the First Office Action

Text

1. The technical solution asked for protection by Claim 1 does not possess the inventiveness as provided by paragraph 3 of Article 22, the Patent Law PRC. Reference 1 has already published a dual-band nonreciprocal circuit device (US5898346A, Cf. line 22 of column 3 - line 67 of column 4 in its Specification, and Figs. 1 - 3) as comprising: a permanent magnet, a ferrite element to which a DC magnetic flux is applied by said permanent magnet, a plurality of center electrodes provided on said ferrite element, a metal casing which is made of a magnetic metal and which accommodates said permanent magnet, said ferrite element, and said center electrodes, wherein said metal casing comprises a first casing member and a second casing member, the first casing member and said permanent magnet are in magnetic contact with each other, and the second casing member has a thickness of 100% of the thickness of the first casing member. The technical solution asked for protection by Claim 1 differs from that of Ref. 1 only in: the metal casing is made of an iron-based metal, which, however, is common knowledge in the field. It is obvious for the technical personnel in the field to obtain the technical solution of Claim 1 based on Ref. 1 in association with said common knowledge, therefore, Claim 1 possesses neither prominent substantive features nor notable progress, having no inventiveness.
2. The additional technical features of Claims 2 - 4 and 13, which are dependent to Claim 1, have respectively been published in Ref. 1 (ibid.), said additional features function identically in Ref. 1 and in the present application. Therefore, with Claim 1 referred to having no

inventiveness, dependent Claims 2 - 4 and 13 do not possess the inventiveness as provided by paragraph 3 of Article 22, the Patent Law PRC.



3. The additional technical feature of Claim 5, which is dependent to Claim 4, has been published in Reference 2 (JP2000114818A, Cf. line 1 of column 4 - line 6 of column 7 in its Specification, and Fig. 1), said additional feature functions identically in Ref. 2 and in the present application, i.e. Ref. 2 has given the enlightenment of applying said additional technical feature to the technical solution of Claim 4 referred to in order to further solve the technical problem of Claim 5. Thus it is obvious for the technical personnel in the field to obtain the technical solution of Claim 5 based on Ref. 1 in association with said common knowledge and Ref. 2. Therefore, with Claim 4 referred to having no inventiveness, dependent Claim 5 does not possess the inventiveness as provided by paragraph 3 of Article 22, the Patent Law PRC.
4. The additional technical features of Claims 6 and 7 have respectively been published in Ref. 2 (ibid.), said additional features function identically in Ref. 2 and in the present application. Therefore, with Claim 5 referred to having no inventiveness, dependent Claims 6 and 7 do not possess the inventiveness as provided by paragraph 3 of Article 22, the Patent Law PRC.
5. The words "essentially" in Claim 15, and "substantially" in Claim 19, have caused the protection scopes of the Claims unclear, not conforming to paragraph 1 of Rule 20, the Implementing Regulations of the Patent Law PRC.

Based on the above reasons, the application in its current version cannot be granted a patent right. The amended Claims and/or Specification should be submitted having the deficiencies as pointed out

above overcome within the specified time limit. No amendments shall exceed the scope as recorded in the initial Specification and Claims in compliance with Article 33, the Patent Law PRC.



中华人民共和国国家知识产权局

邮政编码: 200233 上海桂平路 435 号 上海专利商标事务所 李玲	发文日期 
申请号: 021032920 	
申请人: 株式会社村田制作所	
发明创造名称: 非互逆电路装置和使用其的通信设备	

第一次审查意见通知书

1. ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以其在:
JP 专利局的申请日 2001 年 02 月 16 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日。
☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
3. ☐ 经审查, 申请人于:
年 月 日提交的 不符合实施细则第 51 条的规定;
年 月 日提交的 不符合专利法第 33 条的规定;
年 月 日提交的
4. 审查针对的申请文件:
☐ 原始申请文件。 ☒ 审查是针对下述申请文件的
申请日提交的原始申请文件的权利要求第 1-20 项、说明书第 1-10 页、附图第 页;
2002 年 4 月 17 日提交的权利要求第 项、说明书第 页、附图第 1-9 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
2002 年 2 月 11 日提交的说明书摘要, 2002 年 4 月 17 日提交的摘要附图。
5. ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
- | 编号 | 文件号或名称 | 公开日期 (或抵触申请的申请日) |
|----|---------------|------------------|
| 1 | US5898346A | 1999. 4. 27 |
| 2 | JP2000114818A | 2000. 4. 21 |
6. 审查的结论性意见:
☒ 关于说明书:
☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。



- ☐ 说明书不符合专利法第 26 条第 3 款的规定。
☐ 说明书不符合专利法第 33 条的规定。
☒ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书:

- ☐ 权利要求 不具备专利法第 22 条第 2 款规定的新颖性。
☒ 权利要求 1-7, 13 不具备专利法第 22 条第 3 款规定的创造性。
☐ 权利要求 不具备专利法第 22 条第 4 款规定的实用性。
☐ 权利要求 属于专利法第 25 条规定的不授予专利权的范围。
☐ 权利要求 不符合专利法第 26 条第 4 款的规定。
☐ 权利要求 不符合专利法第 31 条第 1 款的规定。
☐ 权利要求 不符合专利法第 33 条的规定。
☐ 权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。
☐ 权利要求 不符合专利法实施细则第 13 条第 1 款的规定。
☒ 权利要求 15, 19 不符合专利法实施细则第 20 条的规定。
☐ 权利要求 不符合专利法实施细则第 21 条的规定。
☐ 权利要求 不符合专利法实施细则第 22 条的规定。
☐ 权利要求 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页, 并附有下列附件:

- ☒ 引用的对比文件的复印件共 2 份 9 页。 ☐

审查员: 丰学民 (3522)

2004 年 4 月 21 日



审查部门 通信审查部



第一次审查意见通知书正文

申请号：021032920

一.

1. 权利要求1所要求保护的技术方案不具备专利法第二十二条第三款规定的创造性。对比文件1公开了一种双频带非互易性电路装置，并具体公开了以下的技术特征‘包括：永磁体；通过永磁体将DC磁通量应用到其上的铁氧体元件；装备在铁氧体元件上的多个中心电极；由磁性金属组成并容纳永磁体、铁氧体元件和中心电极的金属套管；该金属套管包括第一套管部件和第二套管部件，第一套管部件和永磁体彼此磁接触，第二套管部件的厚度为第一套管部件的100%’（参见对比文件1说明书第3栏第22行—第4栏第67行，附图1—3）。权利要求1要求保护的技术方案与对比文件1公开的技术内容相比，其区别仅在于“金属套管由铁基金属制成”，然而这种区别是一种公知常识。在对比文件1基础上结合上述公知常识以获得权利要求1要求保护的技术方案，对所属技术领域的技术人员来说是显而易见的，因此权利要求1要求保护的技术方案不具备突出的实质性特点和显著的进步，因而不具备创造性。

2. 权利要求2-4、13是权利要求1的从属权利要求，它们的限定部分的附加技术特征也已在对比文件1中相应地公开了（参见对比文件1的说明书第3栏第22行—第4栏第67行，附图1—3），且它们在对比文件1所起的作用与它们在本发明中所起的作用相同，它们引用的权利要求1不具备创造性的情况下，从属权利要求2-4、13也不具备专利法第二十二条第三款规定的创造性。

3. 从属权利要求5是权利要求4的从属权利要求，其限定部分的附加技术特征为已在对比文件2中相应地公开（参见对比文件2的说明书第4栏第1行—第7栏第6行，附图1），且其在对比文件2中所起的作用与它们在本发明中所起的作用相同，即该对比文件给出了将上述附加技术特征应用到所引用的权利要求4的技术方案以进一步解决其技术问题的启示，由此可知在对比文件1的基础上结合本领域的公知常识以及对比文件2得出权利要求5进一步限定的技术方案，对本领域的技术人员来说是显而易见的，因而在其引用的权利要求不具备创造性的情况下，从属权利要求5不具备专利法第二十二条第三款规定的创造性。

4. 权利要求6、7的限定部分的附加技术特征也已在对比文件2中相应地公开了（参见对比文件2的说明书第4栏第1行—第7栏第6行，附图1），且它们在对比文件2中所起的作用与它们在本发明中所起的作用相同，在它们引用的权利要求5不具备创造性的情况下，从属权利要求6、7也不具备专利法第二十二条第三款规定的创造性。

5. 权利要求15、19中出现的“基本上”导致这些权利要求的保护范围不清楚，不符合专利法实施细则第20条第1款的规定。

二.

本申请说明书的五个部分之前的小标题不符合专利法实施细则第十八条第二款的规定，申请人在重新提交新修改的说明书时应对各部分前的标题进行修改。

三.

基于上述理由，本申请按照目前的文本还不能被授予专利权。如果申请人按照本通知书提出的审查意见对申请文件进行修改，克服所存在的缺陷，则本申请可望被授予专利权。对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书记载的范围。



审查员：丰学民

代码：3522